



Lessard-Sams Outdoor Heritage Council

Critical Shoreland Habitat Program - Phase V
Laws of Minnesota 2018 Accomplishment Plan

General Information

Date: 11/21/2022

Project Title: Critical Shoreland Habitat Program - Phase V

Funds Recommended: \$1,094,000

Legislative Citation: ML 2018, Ch. 208, Art. 1, Sec. 2, subd 3(e)

Appropriation Language: \$1,094,000 the second year is to the commissioner of natural resources for an agreement with Minnesota Land Trust to acquire permanent conservation easements along rivers and lakes in the northern forest region. Of this amount, up to \$120,000 is for establishing a monitoring and enforcement fund as approved in the accomplishment plan and subject to Minnesota Statutes, section 97A.056, subdivision 17. A list of proposed permanent conservation easements must be provided as part of the required accomplishment plan.

Additional Legislative Changes: ML 2021, First Sp Session, Ch. 1, Art. 1, Sec. 2, Subd. 10 Carryforwards (b) The availability of the appropriations for the following projects is extended to June 30, 2023: (8) Laws 2018, chapter 208, article 1, section 2, subdivision 3, paragraph (e), for Critical Shoreland Habitat Program - Phase V;

Manager Information

Manager's Name: Wayne Ostlie

Title: Director of Land Protection

Organization: Minnesota Land Trust

Address: 2356 University Avenue W Suite 240

City: St. Paul, MN 55114

Email: wostlie@mnland.org

Office Number: 651-917-6292

Mobile Number: 651-894-3870

Fax Number:

Website:

Location Information

County Location(s): Cass, Itasca, St. Louis, Lake, Koochiching, Cook, Carlton and Pine.

Eco regions in which work will take place:

- Northern Forest

Activity types:

- Protect in Easement

Priority resources addressed by activity:

- Wetlands
- Forest
- Habitat

Narrative

Abstract

Phase 5 of the Minnesota Land Trust's Critical Shoreland Habitat Program will protect approximately 0.6 miles of critical shoreland and 225 acres of associated high-quality habitat in Minnesota's Northeast region by securing permanent conservation easements. This phase will build off major successes of previous phases which have protected approximately 2,500 acres and 75,500 feet of shoreland, leveraging \$5.4M in landowner donation in the process. Easements will be secured in strategic locations along priority lakes and rivers, creating larger protected habitat complexes benefitting our state's fish, game and wildlife species that depend on these aquatic habitats.

Design and Scope of Work

The natural shoreland around northeast Minnesota's celebrated lakes and rivers comprises one of the most biologically important systems in the state for fish, game and wildlife. It is also one of its most threatened. In order to preserve this important component of Minnesota's natural heritage, the Minnesota Land Trust proposes to implement Phase 5 of its Critical Shoreland Habitat Protection Program to protect through conservation easement important lakeshore and stream-side habitat. This proposed work will build on the success demonstrated in Phases 1-3 of this program and help fulfill the goals of the DNR's Aquatic Management Area program, the State Wildlife Action Plan, and many other state priorities.

In this fifth phase of the program, the Minnesota Land Trust will strategically concentrate its activities on important aquatic resources and associated forest habitat within northeast Minnesota, including DNR-designated high priority trout streams along the North Shore, sensitive shoreland along the deep-water border lakes and other high-quality aquatic habitats in the region. The Land Trust will protect 0.6 miles and 225 acres of threatened shoreland habitat by acquiring permanent conservation easements from willing landowners. The program will continue to target projects that help complete gaps in existing protected land, contain the highest-quality habitat, and provide the greatest leverage to the state. The Land Trust will seek donated easements in these areas whenever possible but also may purchase easements that help complete key complexes as necessary.

The development and disturbance of the state's remaining sensitive shoreland habitat continues to be a threat identified in many of the State's resource protection plans. Science conducted by the DNR and others indicate that the shoreland zone is one of the most biologically diverse and important habitat types for a variety of wildlife species. It is also one of Minnesota's most threatened resources due to the intensity of shoreland development and non-compatible management. Fortunately, there is an opportunity to address this threat. Outreach conducted under Phases 1 -3 of this program has generated significant landowner interest that will be met through Phases 4 (beginning in FY2018) and 5 (FY2019).

Conservation easements secured under this program will be perpetual and drafted to further prevent the fragmentation and destruction of existing habitat. These easements will ensure that the sensitive shoreland habitat will remain ecologically viable and productive for fish, game and wildlife by prohibiting land uses that negatively impact the important habitat values and requiring habitat management plans to maximize the benefits of shoreland and associated forested uplands.

Outcomes from this project include: 1) healthy populations of trout and other fish species, waterfowl, and other species in greatest conservation need; 2) maintaining water quality of aquatic resources; 3) increased participation of private landowners in habitat projects; and 4) enhancement of prior state and local investments made in shoreland and forest conservation in the region. The Land Trust will strategically target complexes of protect lands in which these outcomes are maximized.

How does the plan address habitats that have significant value for wildlife species of greatest conservation need, and/or threatened or endangered species, and list targeted species?

The natural shoreland around Minnesota's celebrated lakes and rivers comprises one of the most biologically important systems in the state for fish, game and wildlife and is also one of its most threatened. Phase 5 of this program will preserve critical shoreland habitats

in northeast Minnesota - an important component of the state's natural heritage - essential to maintaining healthy populations of the region's fish and wildlife populations (trout and other fish, waterfowl, and other species in greatest conservation need) and

maintaining water quality of aquatic resources. The protection of these habitats has been identified in numerous plans as a conservation priority for Minnesota, including the Minnesota Biological Survey, the Minnesota Wildlife Action Plan, the DNR's Aquatic Management Area program, the State Conservation and Preservation Plan, Minnesota DNR Strategic Conservation Agenda, and the Outdoor Heritage Fund: A 25 Year Framework. The central goal of this program is to protect high quality critical shoreland habitat by securing permanent conservation easements in strategic locations along priority lakes and rivers, leaving a lasting legacy of protected habitat complexes.

Describe how the plan uses science-based targeting that leverages or expands corridors and complexes, reduces fragmentation or protects areas identified in the MN County Biological Survey:

Project solicitation, identification and evaluation utilize criteria and recommended actions from existing science-based conservation plans. These plans include Minnesota's Wildlife Action Plan 2015-2025, the Scientific and Natural Area (SNA) Strategic Land Protection Plan, Watershed Protection and Restoration Strategies, and others. Working with these plans and strategies as a base, the Minnesota Land Trust identified Priority Conservation Program Areas where conservation easements could be targeted to complement existing and ongoing protection actions or fill gaps in existing conservation program areas. Project specific evaluation of potential projects utilizes data from DNR and others for prioritizing projects and for establishing conservation values to be protected in easements. Data sources used include Minnesota Biological Survey (sites of significant biodiversity, native plant communities, lakes of significant biodiversity), Natural Heritage Information System (rare features data), hydrologic information and classification of streams and lakes (e.g., trout streams, sensitive shorelands, cold water

refuge lakes, wild rice lakes), land ownership and administration (to determine adjacency of other conservation lands and opportunities to establish complexes and buffers), and public water access locations. Incorporating these data in project evaluation allows prioritization of conservation easements on lands with known high quality resources (e.g., MBS areas) and with importance from the perspective of landscape context (e.g., corridors, complexes, and reduced fragmentation).

Which two sections of the Minnesota Statewide Conservation and Preservation Plan are most applicable to this project?

- H1 Protect priority land habitats
- H2 Protect critical shoreland of streams and lakes

Which two other plans are addressed in this program?

- Minnesota DNR Strategic Conservation Agenda
- Minnesota's Wildlife Action Plan 2015-2025

Which LSOHC section priorities are addressed in this program?

Northern Forest

- Protect shoreland and restore or enhance critical habitat on wild rice lakes, shallow lakes, cold water lakes, streams and rivers, and spawning areas

Does this program include leveraged funding?

-

Non-OHF Appropriations

Year	Source	Amount
2009	Environment and Natural Resources Trust Fund	\$210,000
2011	Environment and Natural Resources Trust Fund	\$450,000

How will you sustain and/or maintain this work after the Outdoor Heritage Funds are expended?

The land protected through conservation easements will be sustained through the best standards and practices for conservation easement stewardship. The Minnesota Land Trust is a nationally-accredited and insured land trust with a very successful stewardship

program that includes annual property monitoring, effective records management, addressing inquiries and interpretations, tracking changes in ownership, investigating potential violations and defending the easement in case of a true violation. Funding for these

easement stewardship activities is included in the project budget.

In addition, the Land Trust prepares for each landowner a habitat management plan that provides recommendations for use in ecologically managing the property over time. The Land Trust actively encourages

landowners to manage their properties in line with the conservation easement, and works with landowners to address any financial or informational obstacles that stand in the way of them doing so.

Actions to Maintain Project Outcomes

Year	Source of Funds	Step 1	Step 2	Step 3
2021	MLT Long-Term Stewardship & Enforcement Fund	Annual monitoring of property in perpetuity	Enforcement as necessary	-

Activity Details

Requirements

If funded, this program will meet all applicable criteria set forth in MS 97A.056?

Yes

Is the land you plan to acquire (easement) free of any other permanent protection?

Yes

Who will manage the easement?

Minnesota Land Trust

Who will be the easement holder?

Minnesota Land Trust

Land Use

Will there be planting of any crop on OHF land purchased or restored in this program?

No

Will the eased land be open for public use?

No

Are there currently trails or roads on any of the proposed acquisitions?

Yes

Describe the types of trails or roads and the allowable uses:

Most conservation easements are established on private lands, many of which have driveways, field roads and trails located on them. Often, these established trails and roads are permitted in the terms of the easement and can be maintained for personal use if their use does not significantly impact the conservation values of the property. Creation of new roads/trails or expansion of existing ones is typically not allowed.

Will the trails or roads remain and uses continue to be allowed after OHF acquisition?

Yes

How will maintenance and monitoring be accomplished?

Existing trails and roads are identified in the project baseline report and will be monitored annually as part of the Land Trust's stewardship and enforcement protocols. Maintenance of permitted roads/trails in line with the terms of the easement will be the responsibility of the landowner.

Will new trails or roads be developed or improved as a result of the OHF acquisition?

No

Timeline

Activity Name	Estimated Completion Date
Acquire conservation easements: 1) identify priority landowners; 2) negotiate, draft and complete easements; 3) dedicate funds for stewardship	June 30, 2021

Date of Final Report Submission: 11/01/2021

Availability of Appropriation: Subd. 7. Availability of Appropriation

Money appropriated in this section may not be spent on activities unless they are directly related to and necessary for a specific appropriation and are specified in the accomplishment plan approved by the Lessard-Sams Outdoor Heritage Council. Money appropriated in this section must not be spent on indirect costs or other institutional overhead charges that are not directly related to and necessary for a specific appropriation. Unless otherwise provided, the amounts in this section are available until June 30, 2021. For acquisition of real property, the amounts in this section are available until June 30, 2022, if a binding agreement with a landowner or purchase agreement is entered into by June 30, 2021, and closed no later than June 30, 2022. Funds for restoration or enhancement are available until June 30, 2023, or five years after acquisition, whichever is later, in order to complete initial restoration or enhancement work. If a project receives at least 15 percent of its funding from federal funds, the time of the appropriation may be extended to equal the availability of federal funding to a maximum of six years if that federal funding was confirmed and included in the second draft accomplishment plan. Funds appropriated for fee title acquisition of land may be used to restore, enhance, and provide for public use of the land acquired with the appropriation. Public-use facilities must have a minimal impact on habitat in acquired lands.

Budget

Budget reallocations up to 10% do not require an amendment to the Accomplishment Plan.

Totals

Item	Funding Request	Antic. Leverage	Leverage Source	Total
Personnel	\$112,000	-	-	\$112,000
Contracts	\$72,000	-	-	\$72,000
Fee Acquisition w/ PILT	-	-	-	-
Fee Acquisition w/o PILT	-	-	-	-
Easement Acquisition	\$664,000	\$165,000	Private landowner donation of easement value	\$829,000
Easement Stewardship	\$120,000	-	-	\$120,000
Travel	\$2,000	-	-	\$2,000
Professional Services	\$94,000	-	-	\$94,000
Direct Support Services	\$30,000	-	-	\$30,000
DNR Land Acquisition Costs	-	-	-	-
Capital Equipment	-	-	-	-
Other Equipment/Tools	-	-	-	-
Supplies/Materials	-	-	-	-
DNR IDP	-	-	-	-
Grand Total	\$1,094,000	\$165,000	-	\$1,259,000

Personnel

Position	Annual FTE	Years Working	Funding Request	Antic. Leverage	Leverage Source	Total
MLT Protection Staff	0.36	3.0	\$112,000	-	-	\$112,000

Amount of Request: \$1,094,000

Amount of Leverage: \$165,000

Leverage as a percent of the Request: 15.08%

DSS + Personnel: \$142,000

As a % of the total request: 12.98%

Easement Stewardship: \$120,000

As a % of the Easement Acquisition: 18.07%

How will this program accommodate the reduced appropriation recommendation from the original proposed requested amount?

The deliverables of the program were reduced proportional to the amount of funding recommended by LSOHC.

Describe and explain leverage source and confirmation of funds:

We provide a conservative estimate (\$165,000) - under Easement Acquisition - of landowner donative value we expect to be put forward by those participating in the program.

Contracts

What is included in the contracts line?

No. The funding shown in the contract line is for the writing of habitat management plans for easement lands.

Easement Stewardship

What is the number of easements anticipated, cost per easement for stewardship, and explain how that amount is calculated?

Travel

Does the amount in the travel line include equipment/vehicle rental?

-

Explain the amount in the travel line outside of traditional travel costs of mileage, food, and lodging

I understand and agree that lodging, meals, and mileage must comply with the current MMB Commissioner Plan:

No

Direct Support Services

How did you determine which portions of the Direct Support Services of your shared support services is direct to this program?

In a process that was approved by the DNR on March 17, 2017, Minnesota Land Trust determined our direct support services rate to include all of the allowable direct and necessary expenditures that are not captured in other line items in the budget, which is similar to the Land Trust's proposed federal indirect rate. We will apply this DNR-approved rate only to personnel expenses to determine the total amount of direct support services.

Federal Funds

Do you anticipate federal funds as a match for this program?

No

Output Tables**Acres by Resource Type (Table 1)**

Type	Wetland	Prairie	Forest	Habitat	Total Acres
Restore	0	0	0	0	0
Protect in Fee with State PILT Liability	0	0	0	0	0
Protect in Fee w/o State PILT Liability	0	0	0	0	0
Protect in Easement	0	0	0	225	225
Enhance	0	0	0	0	0
Total	0	0	0	225	225

Total Requested Funding by Resource Type (Table 2)

Type	Wetland	Prairie	Forest	Habitat	Total Funding
Restore	-	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-	-
Protect in Easement	-	-	-	\$1,094,000	\$1,094,000
Enhance	-	-	-	-	-
Total	-	-	-	\$1,094,000	\$1,094,000

Acres within each Ecological Section (Table 3)

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	N. Forest	Total Acres
Restore	0	0	0	0	0	0
Protect in Fee with State PILT Liability	0	0	0	0	0	0
Protect in Fee w/o State PILT Liability	0	0	0	0	0	0
Protect in Easement	0	0	0	0	225	225
Enhance	0	0	0	0	0	0
Total	0	0	0	0	225	225

Total Requested Funding within each Ecological Section (Table 4)

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	N. Forest	Total Funding
Restore	-	-	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-	-	-
Protect in Easement	-	-	-	-	\$1,094,000	\$1,094,000
Enhance	-	-	-	-	-	-
Total	-	-	-	-	\$1,094,000	\$1,094,000

Average Cost per Acre by Resource Type (Table 5)

Type	Wetland	Prairie	Forest	Habitat
Restore	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-
Protect in Fee w/o State PILT Liability	-	-	-	-
Protect in Easement	-	-	-	\$4,862
Enhance	-	-	-	-

Average Cost per Acre by Ecological Section (Table 6)

Type	Metro/Urban	Forest/Prairie	SE Forest	Prairie	N. Forest
Restore	-	-	-	-	-
Protect in Fee with State PILT Liability	-	-	-	-	-

Protect in Fee w/o State PILT Liability	-	-	-	-	-
Protect in Easement	-	-	-	-	\$4,862
Enhance	-	-	-	-	-

Target Lake/Stream/River Feet or Miles

0.6 miles

Outcomes

Programs in the northern forest region:

- Forestlands are protected from development and fragmentation ~ *This program will permanently protect 1,100 acres of strategic northern forest region habitats and approximately 3 miles of undeveloped shoreline. Measure: Acres protected.*

Parcels

For restoration and enhancement programs ONLY: Managers may add, delete, and substitute projects on this parcel list based upon need, readiness, cost, opportunity, and/or urgency so long as the substitute parcel/project forwards the constitutional objectives of this program in the Project Scope table of this accomplishment plan. The final accomplishment plan report will include the final parcel list.

Parcel Information

Sign-up Criteria?

No

Explain the process used to identify, prioritize, and select the parcels on your list:

Protect Parcels

Name	County	TRDS	Acres	Est Cost	Existing Protection
Blackhoof River	Carlton	04717203	120	\$110,000	No
Stoney Brook	Cass	13631225	260	\$200,000	No
Stoney Creek/Gull River	Cass	13631225	300	\$450,000	No
Lake Superior 1	Cook	05805201	23	\$425,000	No
Deer Lake (Lauterbach)	Itasca	05726226	43	\$442,000	No
Rainy Lake	Koochiching	07122219	28	\$250,000	No
Silver Creek	Lake	05709208	2,000	\$2,000,000	No
Skunk Creek	Lake	05409203	880	\$1,320,000	No
Encampment River	Lake	05410234	160	\$120,000	No
Lake Superior 2	Lake	05309206	5	\$0	No
Long Lake	Lake	05511232	400	\$0	No
Encampment River J	Lake	05410234	80	\$80,000	No
Encampment River (Welsh)	Lake	05310203	39	\$0	No
Castle Danger	Lake	05409227	36	\$250,000	No
Lake Superior - Two Harbors	Lake	05310231	65	\$1,000,000	No
Lake Eleven	Pine	04519211	80	\$96,000	No
Pelican River	St. Louis	06419208	93	\$20,000	No
Thompson Lake 1	St. Louis	05314212	45	\$0	No
Burntside River 1	St. Louis	06313230	205	\$410,000	No
Little Knife River	St. Louis	05212226	63	\$50,000	No
Sax-Zim (Wallace-Loiselle)	St. Louis	05618220	117	\$118,400	No
Knife River Captain	St. Louis	05212203	400	\$300,000	No
King Lake (Guckenber 2)	St. Louis	05412202	70	\$0	No
Thompson Lake 2	St. Louis	05314211	10	\$0	No
Burntside River 2	St. Louis	06313226	205	\$410,000	No
Burntside River 3	St. Louis	06313232	39	\$0	No
Low Lake	St. Louis	06412235	125	\$1,000,000	No
Lake Vermillion Pine Island	St. Louis	06215205	33	\$0	No

Parcel Map

